

<b>RENEWED PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>	Docket Number (Optional) 43413-269370 (4001US)
First named inventor: THODOROS TOPALOGLOU  Application No.: 10/018,461 <span style="float: right;">Art Unit:</span>  Filed: December 19, 2001 <span style="float: right;">Examiner:</span>  Title: BIOLOGICAL DATA PROCESSING  Attention: Office of Petitions <b>Mail Stop Petition</b> Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX: (703) 308-6916	
<p style="text-align: center;">NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.</p> <p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.</p> <p style="text-align: center;">APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> <li>(1) Petition fee;</li> <li>(2) Reply and/or issue fee;</li> <li>(3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and</li> <li>(4) Statement that the entire delay was unintentional.</li> </ol> <p>1. Petition fee</p> <p><input type="checkbox"/> Small entity - fee \$650 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Other than small entity - fee \$_____ (37 CFR 1.17(m))</p> <p><input checked="" type="checkbox"/> No additional fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 11-0855.</p> <p>2. Reply and/or fee</p> <p>A. The reply and/or fee to the above-noted Office action in the form of <u>Response to Notification of Defective Response</u> (identify type of reply):</p> <p><input type="checkbox"/> has been filed previously on _____.</p> <p><input checked="" type="checkbox"/> is enclosed herewith.</p> <p>B. The issue fee of \$ _____</p> <p><input type="checkbox"/> has been paid previously on _____.</p> <p><input type="checkbox"/> is enclosed herewith.</p>	

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## 3. Terminal disclaimer with disclaimer fee

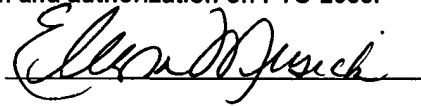
- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

## 4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

October 7, 2003

Date



Signature

Telephone  
Number: (404) 541-6681

Eleanor M. Musick

Typed or printed name

35,623

Address

Kilpatrick Stockton LLP  
1100 Peachtree Street, Suite 2800  
Atlanta, Georgia 30309Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☐ Other : \_\_\_\_\_**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]**

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

October 7, 2003

Date



Signature

Eleanor M. Musick

Typed or printed name of person signing certificate

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
**THODOROS TOPALOGLOU, et al.** )  
)  
Serial No. **10/018,461** )  
)  
Filed: **December 19, 2001** )  
)  
For: **BIOLOGICAL DATA PROCESSING** )

**RESPONSE TO DECISION ON PETITION UNDER 37 CFR 1.137(b)  
AND REQUEST UNDER 37 CFR 1.497(d) AND RESPONSE TO  
NOTIFICATION OF DEFECTIVE RESPONSE**

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Mail Stop PCT  
Commissioner for Patents  
Office of PCT Legal Administration  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

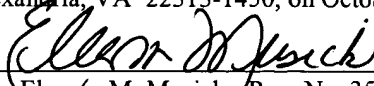
The undersigned hereby responds to the Decision on Petition Under 37 CFR 1.137(b) and Request Under 37 CFR 1.497(d) and to the Notification of Defective Response mailed April 8, 2003, in the referenced application. The notice stated that the Oath or Declaration submitted does not identify the citizenship of each inventor.

On June 5, 2003, the undersigned submitted the executed Declaration and Power of Attorney of Anthony Kosky. This Declaration stated the citizenship of inventor Anthony Kosky.

Also submitted on June 5, 2003 was a Petition to Revive Unintentionally Abandoned Application along with the required fee of \$650. The applicant claims small entity status.

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450, on October 7, 2003.

  
\_\_\_\_\_  
Eleanor M. Musick, Reg. No. 35,623

On September 15, 2003, the Office denied the Petition to Revive on the basis that the supplemental declaration submitted with the instant petition identified Anthony KOSKY's country of citizenship and was signed by him, but stated that KOSKY was the "sole or first inventor" without also listing Thodoros TOPALOGLOU as a joint inventor.

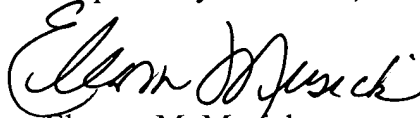
The undersigned is simultaneously submitting the following document: a copy of the executed Declaration and Power of Attorney of Anthony Kosky with Inventor Thodoros TOPALOGLOU listed as an inventor on Page 2 and a copy of the executed Declaration and Power of Attorney signed by both inventors. The executed Declaration and Power of Attorney for TOPALOGLOU and KOSKY was originally submitted on July 23, 2002 along with the original Response to Notice to File Missing Parts. However, at the time of the filing of the original Declaration, Mr. Kosky had not been added as an inventor to the application.

Applicant submits that the Office has a signed Declaration and Power of Attorney for both inventors and the application should now be in compliance.

The foregoing is submitted as a complete response to the Notification identified above.

If there are any issues that can be addressed via telephone conference, please contact the undersigned at (404) 541-6681. A copy of the Notification of Defective Response and Petition to Revive filed on June 5, 2003 is also enclosed.

Respectfully submitted,



Eleanor M. Musick  
Reg. No. 35,623

KILPATRICK STOCKTON LLP  
1100 Peachtree Street  
Suite 2800  
Atlanta, Georgia 30309-4530  
(404) 815-6500  
Our Docket: 43413-269370 (4001US)

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
43413-269370 (4001US)

First named inventor: THODOROS TOPALOGLOU

Application No.: 10/018,461

Art Unit:

Filed: December 19, 2001

Examiner:

Title: BIOLOGICAL DATA PROCESSING

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☒ Small entity - fee \$650 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$\_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in  
the form of Response to Notification of Defective Response (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

[Page 1 of 2]

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☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

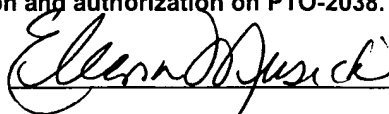
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4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

June 5, 2003

Date



Signature

Telephone

Number: (404) 541-6681

Eleanor M. Musick

Typed or printed name

35,623

Address

Kilpatrick Stockton LLP

1100 Peachtree Street, Suite 2800

Atlanta, Georgia 30309

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other : \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]**

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

June 5, 2003

Date



Signature

Eleanor M. Musick

Typed or printed name of person signing certificate

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
 )  
THODOROS TOPALOGLOU, et al. )  
 )  
Serial No. 10/018,461 )  
 )  
Filed: December 19, 2001 )  
 )  
For: BIOLOGICAL DATA PROCESSING )

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**RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE**

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Mail Stop PCT  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned hereby responds to the Notification of Defective Response mailed April 8, 2003, in the referenced application. The notice stated that the Oath or Declaration submitted does not identify the citizenship of each inventor.

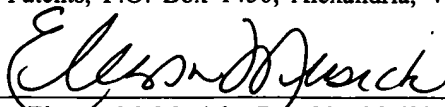
The undersigned is simultaneously submitting the following document: executed Declaration and Power of Attorney of Anthony Kosky. This Declaration states the citizenship of inventor Anthony Kosky.

Simultaneously submitted herewith is a Petition to Revive Unintentionally Abandoned Application along with the required fee of \$650. The applicant claims small entity status.

The foregoing is submitted as a complete response to the Notification identified above.

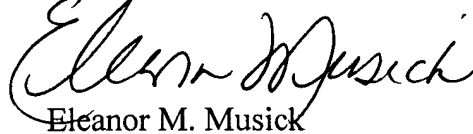
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 5, 2003.

  
Eleanor M. Musick - Reg. No. 35,623

If there are any issues that can be addressed via telephone conference, please contact the undersigned at (404) 541-6681. A copy of the Notification of Defective Response is also enclosed.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Eleanor M. Musick".

Eleanor M. Musick

Reg. No. 35,623

KILPATRICK STOCKTON LLP  
1100 Peachtree Street  
Suite 2800  
Atlanta, Georgia 30309-4530  
(404) 815-6500  
Our Docket: 43413-269370 (4001US)





UNITED STATES PATENT AND TRADEMARK OFFICE

 Commissioner for Patents, Box 901  
 United States Patent and Trademark Office  
 Washington, D.C. 20530  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/018,461	Thodoros Topaloglou	GLC0007-US

 23370  
 JOHN S. PRATT, ESQ  
 KILPATRICK STOCKTON, LLP  
 1100 PEACHTREE STREET  
 SUITE 2800  
 ATLANTA, GA 30309

INTERNATIONAL APPLICATION NO.	
PCT/IB00/00863	
I.A. FILING DATE	PRIORITY DATE
06/28/2000	06/29/1999

 CONFIRMATION NO. 1780  
 371 FORMALITIES LETTER

\*OC000000009792528\*

Date Mailed: 04/08/2003

### NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 12/19/2001
- Copy of the International Search Report filed on 12/19/2001
- Information Disclosure Statements filed on 03/17/2003
- Oath or Declaration filed on 12/16/2002
- Small Entity Statement filed on 12/19/2001
- Request for Immediate Examination filed on 12/19/2001
- U.S. Basic National Fees filed on 12/19/2001
- Assignee Statement filed on 07/29/2002
- Priority Documents filed on 12/16/2002
- Power of Attorney filed on 12/16/2002

Applicant's response filed 03/17/2003 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 03/08/2002 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - does not identify the citizenship of each inventor.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

DOCKETED FOR 5/1/03  
 ENTERED COMPUTER ON 4/21/03  
 269370

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHARITTA A BURT

Telephone: (703) 305-3734

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO	ATTY. DOCKET NO.
10/018,461	PCT/IB00/00863	GLC0007-US

FORM PCT/DO/EO/916 (371 Formalities Notice)

## DECLARATION AND POWER OF ATTORNEY

Attorney's Docket 4001US (43413-269370)

In re Application of: **Thodoros Topaloglou; Anthony Kosky**  
As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **BIOLOGICAL DATA PROCESSING**, the specification of which:

☐ is attached hereto.

☒ was filed on December 19, 2001 as Application No. 10/018,461.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. *I understand that I have a duty of candor and good faith toward the Patent and Trademark Office*, and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of the foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate disclosing subject matter in common with the above-identified specification and having a filing date before that of the application on which priority is claimed:

<u>Application No.</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed Under 35 USC §119</u>
PCT/IB00/00863	PCT	28 June 2000	Yes <u>X</u> No _____

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

<u>60/141,424</u>	<u>June 29, 1999</u>		
(Application No.)	(Filing Date)	(Application No.)	(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter disclosed and claimed in the present application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

POWER OF ATTORNEY: The following attorneys are hereby appointed to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: **Customer Number 23370**

Direct all correspondence to: **Customer Number 23370**

AFFIX BAR

CODE LABEL →

HERE



23370

PATENT TRADEMARK OFFICE

Direct telephone calls at 404-815-6500, to Eleanor M. Musick.

Full name of sole or first inventor: **ANTHONY KOSKY**

Citizenship: **United Kingdom**

Inventor's signature: *Anthony Kosky*

Date: **28 MAY 2003**

Residence and Post Office Address: **2219 Acton Street, Berkeley, CA 94704**

☐ Additional inventors are being named on separately numbered sheets attached hereto.